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OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Eldering et al. :
Application No. 09/742,506 : DECISION ON PETITION
Filed: December 21, 2000 :
Attorney Docket No. T721-16 :

This is a decision on the petition filed April 16, 2001, requesting that the above-identified application be accorded a filing date of December 21, 2000, with Figure 4 as part of the original disclosure.

On December 21, 2000, applicants filed the above-identified application. However, on February 12, 2001, the Office of Initial Patent Examination mailed a "Notice to File Corrected Application Papers" (Notice), stating that the application had been accorded a filing date of December 21, 2000, and requiring applicants to submit substitute drawings in compliance with 37 CFR 1.84. Additionally, the Notice advised applicants that Figure 4 described in the specification appeared to have been omitted.

In response, on April 16, 2001, applicants filed the present petition, four (4) sheets of drawings, a preliminary amendment and an authorization to charge the Deposit Account for the petition fee. In the present petition, applicants admitted that Figure 4 was inadvertently omitted during the mailing of the original application papers. Applicants requested that the application be accorded a filing date of December 21, 2000, with Figure 4 as part of the original disclosure. Applicants asserted that Figure 4 is fully described in detail in the specification and does not constitute new matter.

As applicants admitted, Figure 4 was not present on December 21, 2000, the date the application was filed. For this reason, the application cannot be accorded the filing date of December 21, 2000, with the drawing of Figure 4 as a part of the original disclosure.

Accordingly, the petition is dismissed.

Figure 4, submitted with the present petition on April 16, 2001, will not be entered at this time. However, applicants' preliminary amendment submitted on April 16, 2001 will be forwarded in due course with the application to the primary examiner for consideration by the examiner under Section 608.02(g) of the Manual of Patent Examining Procedure.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of December 21, 2000, using the three (3) sheets of drawings containing Figures 1-3 filed on that date, and indicating in the Office records that three (3) sheet of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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